DESERT MOUNTAIN ELK RANCH GAME FARM APPLICATION
FINAL ENVIRONMENTAL ASSESSMENT

MONTANA ENVIRONMENTAL POLICY ACT (MEPA) PROCESS

Montana Fish, Wildlife and Parks (FWP) is required to perform an environmental analysis in accordance with MEPA for "each proposal for projects, programs, legislation, and other major actions of state government significantly affecting the quality of the human environment" [Administrative Rules of Montana (ARM) 12.2.430]. FWP prepares environmental assessments (EA) to determine whether a project would have a significant effect on the environment. If FWP determines that a project will have a significant impact that cannot be mitigated to a minor impact, the agency will prepare a more detailed environmental impact statement (EIS) before making a decision. If the agency determines that a proposed project will not have a significant impact, or that the impact can be mitigated to minor or none, the agency may make its licensing decision based upon the results of the EA and criteria established under Montana game farm statute Montana Code Annotated (MCA) Title 87, Chapter 4, Part 4.

Mitigation measures may be considered in FWP's analysis as a means to reduce impact(s) of a game farm to a level below significance. FWP may also recommend mitigation measures to reduce impacts that are considered minor.

FWP prepared a Draft EA for the proposed Desert Mountain Elk Ranch Game Farm which identified no significant impacts from the Proposed Action that could not be mitigated. The Draft EA was released for public review and comment November 2, 1998. Public comments were accepted through November 23, 1998. The Draft EA, as modified herein, and this Final EA are hereby approved as the Final EA. This Final EA for the proposed development of the Desert Mountain Elk Ranch Game Farm contains a summary of the Proposed Action, a description of the affected environment, and potential consequences of the Proposed Action, all of which are described in additional detail in the Draft EA, which is adopted in this Final EA. This document also describes mitigation measures, includes public comments, and provides the conclusion of the EA. The preferred alternative is the Proposed Action with three required stipulations and several recommended mitigation measures.

PROPOSED GAME FARM APPLICATION

FWP received a completed application July 22, 1998 to create a new game farm referred to as the Desert Mountain Elk Ranch Game Farm. On August 19, 1998, FWP accepted the application as complete which initiated a 120-day review and decision period. FWP personnel discussed several issues with the applicants and incorporated clarifications in a letter to the applicants dated August 19, 1998. The clarifications are: (a) Phase I of the game farm construction would consist of 18 acres; (b) maximum number of elk for Phase I is 10 to 15 of mixed age and sex; and (c) there will be no public shooting of elk on the game farm site.

The proposed Desert Mountain Elk Ranch Game Farm would be located immediately south of Coram in northwest Montana. The applicants live within the perimeter of the proposed game farm site, which is crossed by a utility easement. The Proposed Action consists of two phases: Phase I consists of placing up to 15 elk on approximately 18 acres, and Phase II consists of adding up to 45 additional elk after enlarging the game farm by 15.5 acres. The entire proposed game farm, therefore, would consist of up to 60 elk on 33.5 acres.

Phase I includes the quarantine and handling facilities and the southeast pasture. Phase II includes the west and north pastures. The purpose of the game farm is to provide breeding stock, meat and antler production.

Flathead

There would be no fee shooting by the public at the game farm. Elk initially released into the proposed game farm would come from the Sun River Game Farm in Vaughn, Montana; additional elk may be obtained from other game farms.

The applicants would sell and dispose of game farm elk in accordance with Montana game farm and disease control requirements stipulated in Montana statute and administrative rules. Fence construction would be in accordance with requirements of FWP under ARM 12.6.1503A, and proposed changes to these rules. Fencing would consist of 8-foot high, 6-inch mesh, high tensile big game fencing supported by 11-feet long, $2^{3/8}$-inch steel pipe set 3 feet into the soil and spaced at 20 feet intervals. Corner posts would be $2^{7/8}$-inch steel pipe set 3 feet into the soil and would be braced. Gates in and around the handling facility would be solid wood. The remaining gates would be 8 feet high and consist of a 2-inch diameter metal tubing frame with 6-inch mesh fencing. All gates would have no more than three inches of ground clearance and each would have one latching and one locking device.

The applicants' residential area and driveway would be fenced out of the game farm. Five gates would adjoin the residential area. The fence along the south side of the property adjoining U.S. Forest Service (USFS) land would follow an old logging road. The fence would be installed on the north side of the road bed to exclude the road from the game farm. One gate would be located in this south fence at the utility easement. Access to the easement by utility crews would be controlled and occur only while the game farm operators or their representative are at the site. One gate would also be located in the east fence of the north, Phase II pasture. The quarantine facility and handling pens would be constructed according to standards established by the Montana Department of Livestock (DoL).

ALTERNATIVES

One alternative (No Action Alternative) was evaluated in the EA. Under the No Action Alternative, FWP would not issue a license for the Desert Mountain Elk Ranch Game Farm as proposed. Therefore, no elk would be placed on the proposed game farm site. Implementation of the No Action Alternative would not preclude other activities allowed under local, state and federal laws to take place at the game farm site.

AFFECTED ENVIRONMENT

The proposed Desert Mountain Elk Ranch Game Farm is located immediately south of residential properties at the townsite of Coram, Montana. The property is bordered on the west by commercial properties along Highway 2, on the south by USFS land, and on the east by forested, private land. Highway 2 is the western gateway to Glacier National Park, which is located a few miles north of Coram. The Middle Fork of the Flathead River is located about 2,000 feet west of the proposed game farm site. Most of the surrounding mountains are forested and managed by the Flathead National Forest.

The proposed game farm would be developed in two phases to eventually include up to 60 elk on approximately 33.5 acres. The property is currently used for residential purposes on about 3 acres with the remaining acreage undeveloped forest land (90%) and tame pasture (10%). The site includes a dirt road and utility easement. The easement contains overhead electric lines of Glacier Electric Cooperative, and also grants rights to Montana Power Company and American Telephone and Telegraph.

The proposed game farm lies on the northern slope of an east-west trending ridge and rises from an elevation of about 3,200 feet at the bottom of the ridge to about 3,400 feet midway up the slope at the USFS boundary. The steepest slopes at the site approach 15 degrees, but the majority of slopes are long gentle runs of 5-10 degrees.

Soils at the site are classified as Andeptic Cryooboralfs and Dystric Eutrochrepts. Andeptic Cryoboralfs are formed on glacial moraines and are present on the moderate sloping hillside present in the southern half of the proposed game farm. The silt loam surface layer of this soil is underlain by very gravelly silt loam that contains 35 to 60 percent rounded rock fragments. The Dystric Eutrochrepts are formed on kames, kettles, or terraces and are present on the gentle slopes at the base of the hill and the neighboring residential area. This soil and substrata contain 50 to 80 percent rounded rock fragments. Both these soils are mantled by volcanic ash influenced loess and are highly productive if soil surface layers are not displaced or removed.

Runoff from the proposed game farm site flows north to an unnamed intermittent drainage which extends eastward to a ditch between Highway 2 and the west boundary of the site. The ditch ultimately discharges to the Middle Fork of the Flathead River which is located approximately 2,000 feet to the west. A small wetland area (0.1 acre) is located in the intermittent drainage in the north Phase II pasture immediately downgradient of a culvert beneath the driveway to the applicants' residence. No portion of the proposed game farm would lie in a 100-year floodplain.

Potable water for the game farm elk would be obtained from the existing municipal water supply to the site. Well records on-file with the Montana Department of Natural Resources and Conservation (DNRC) indicate that there are 3 wells within ¼-mile of the site and 20 wells within 1 mile. An additional well may be located at the neighboring residence located immediately north of the Phase I pasture. Wells in the area range from 40 to 120 feet deep, with static water levels ranging from 10 to 100 feet below ground surface.

Forested areas of the site have various logging histories from old to current logging efforts. In general, most of the trees within the proposed game farm are young and less than 12-inches in diameter. Herbaceous vegetation productivity within the forested habitat is variable depending upon degree of canopy closure, and probably ranges from a couple hundred pounds per acre to an estimated 1,000 pounds per acre in recently cleared sites. Productivity of the tame pasture is estimated at 1,000 to 1,500 pounds per acre. Average annual forage productivity of the entire game farm site is estimated at 19,500 pounds.

The forested habitat in this area is comprised of Douglas fir, lodgepole pine, western larch, Engelmann spruce, western red cedar, birch, aspen and black cottonwood. Woody undergrowth on the proposed game farm includes western snowberry, red osier, dogwood, and alder. Herbaceous vegetation is primarily introduced grasses and forbs such as Timothy and red clover. There is a poorly developed riparian area within the proposed game farm that follows the intermittent drainage. Many of the deciduous trees and shrubs are associated with this drainage. The small wetland site in the intermittent drainage includes a small pool of open water and the surrounding soil is saturated. The herbaceous vegetation in this area is characteristic of moist areas.

Noxious weeds were present on the proposed game farm site. Spotted knapweed grows along the road to the residence and in some of the areas disturbed by recent logging, but it was not abundant or widespread. Canada thistle also grows in areas disturbed by recent logging.

There is no critical big game winter range or migration corridor through the proposed game farm area; however, the general area is used by a variety of big game and other wildlife species. The proposed game farm is located within year-long moderate to high density white-tailed deer habitat (up to 10-15 deer per square mile). Wild elk occur in the surrounding mountainous habitat and may pass through this area on occasion. These elk are associated with elk herds in the Middle and South Forks of the Flathead River. Moose occur along the Flathead River and also make use of the surrounding mountains, and may potentially occur in this area.

This area represents extremely good mountain lion habitat due the abundance of deer and elk in the surrounding mountains. Density of lions in this area is estimated at 1 adult or subadult lion to 6 square miles of land. This is a resident mountain lion population and will be expected to occur in the area on a year-long

basis. This area also supports a sizable black bear population. Use of this area by bears will vary seasonally and between years; however, bear occupancy can occur on a year-round basis. Bears are expected to seasonally move through this area depending upon forage availability and in some years they may make considerable use of low elevation sites such as the proposed game farm site.

Bald eagles (federally-listed threatened species) are breeding residents, spring/fall migrants, and winter residents along the Flathead River. Eagles are known to nest along the Flathead River downstream from the game farm site, and formerly congregated in large numbers during fall upstream from the proposed game farm site. Peregrine falcons (endangered) are potentially migratory through this area but they are not known to nest in this area. The gray wolf and grizzly bear are two federally-listed (threatened) wildlife species occurring in the general area of the proposed game farm. Both these species are known to pass through the forested habitat surrounding the game farm.

CONSEQUENCES OF THE PROPOSED ACTION

Impacts to Vegetation and Soil Resources

Productivity of the 33.5 acre site is not sufficient to support 60 adult elk on a year-long basis without substantial supplemental feed. Consequently, foraging activity by elk would be expected to alter the plant communities and productivity of the proposed game farm site. Productivity of the tame pasture may be decreased through constant year-long grazing. It is estimated that the average adult elk consumes about 11 pounds of forage each day and that annual forage consumption would be about 4,000 pounds per adult animal. The game farm could support about 5 elk on a year-long basis, or it would meet about 8 percent of the forage requirements of 60 adult elk during the entire year. Based on the high stocking density of game farm elk (2 elk per acre) and the low productivity of this site, it is likely that some plants would be reduced in abundance or be eliminated. Weed species such as spotted knapweed and Canada thistle would normally increase in abundance under moderate grazing pressure, but due to proposed intensive grazing pressure these species would probably be grazed along with more palatable plants.

There would be no conversion of any game farm area to irrigated pasture or agricultural crops. Intensive year-long grazing proposed for this game farm would result in soil disturbance likely to promote the establishment of noxious weeds. Elk would be expected to wallow in the small wetland site and modify the vegetation in this area.

Fence construction activities and trampling and compaction of the soil surface layers by the elk are expected to have minor impacts to land and soil resources. These impacts can be mitigated by re-vegetating disturbed areas, maintaining a reasonable stocking rate, and managing use during periods of wet soil conditions.

Impacts to Water Resources

Increased runoff and erosion could result from fence construction activities and ground disturbances by the game farm elk, particularly if the stocking density approaches 60 elk. Game farm elk fecal matter and nutrient-enriched water could have minor effects on the quality of groundwater and surface water in the vicinity of the site, particularly during snowmelt or major precipitation events. Seasonal flow in the intermittent drainage would experience increased turbidity as the elk reduce vegetation cover in the small wetland area in the north Phase II pasture and wallow in the water. However, a vegetated buffer zone in the intermittent drainage about 2,000 feet long separates the wetland area from the Flathead River.

Impacts to Wildlife Resources

The proposed game farm would not include any perennial streams and would not likely impact any off-site aquatic animals. The 33.5-acre enclosure may alter local movement of a few individual wild deer (or transitory

elk), forcing them to reroute their daily movement around the approximately ¼-mile by ¼-mile exterior enclosure fence. This diversion of movement is within the range of normal daily movement of deer and would not force deer to move excessively through unfavorable habitat. However, deer moving through this area may be forced to walk adjacent to Highway 2. This could result in increased deer/vehicle collisions at this site.

There is a possibility that wild deer may enter the enclosure especially during periods of drifted snow or deep snow accumulation in the winter. Deer have also been documented to crawl under game proof fencing at sites dug by coyotes. The proposed game farm would displace a few deer from this area and influence their daily movements to a minor degree. Wild elk do pass through this area on occasion and may be attracted to the game farm, especially during the rut. If a wild elk or deer entered the game farm, it would likely be destroyed rather than released back to the wild. These impacts may affect individuals, but not populations. Wild animals that enter the game farm may be capable of exiting the facility on their own.

Gray wolves, mountain lions, and black bears occur in this area and may be attracted to the game farm due to the concentration of game farm elk and/or the presence of elk feed. Gray wolves, lions, and bears are capable of entering the enclosure and, although live capture and removal are possible, it is not without risks. This may affect individuals, but not populations. The attraction of gray wolves, lions, and bears to the game farm may result in additional conflicts with humans surrounding the game farm.

This area is in a known movement corridor for grizzly bears and minimizing conflicts is important in maintaining connectivity between the South Fork and Glacier National Park populations. Minimizing the risk of mortalities will help preserve genetic exchange between the two populations. Bears are capable of digging under or climbing over the game fence. Live capture and removal of a trespassing bear is possible. However, this is not without risks to the animal, and the loss of a bear from the local populations in this area may be a cumulative impact to recovery of this population. In addition, bears that are chronic offenders may be purposely removed from the population either by lethal control, or by live capture.

The high stocking density of elk in the proposed game farm would result in the loss of shrub cover, and deciduous trees would likely be girdled and eventually killed by the elk. The loss of deciduous trees and shrubs would result in a minor impact to some species of neotropical migrant birds. Management of the game farm may favor the removal of additional coniferous trees beyond what has already been removed by logging to open the canopy and promote increased herbaceous plant growth. This also would likely result in a minor impact to neotropical migrant birds. In addition, fast pursuit forest raptors may be killed by the game farm fence during pursuit of small avian prey. The proposed game farm is not likely to cause impacts to bald eagles and peregrine falcons.

There is a potential of game farm elk carrying or becoming infected with a contagious wildlife disease or parasite such as tuberculosis, meningeal worms, or chronic wasting disease and then coming in contact (through-the-fence, nose-to-nose, nose-to-soil, or ingress/egress) with wild deer, elk or other wildlife. It is also possible diseases and parasites carried by wild elk could be introduced to game farm elk with equally severe impacts. Ingress of wild elk or deer would likely result in destruction of the trespassing animal(s), if they are discovered.

Cumulative Effects

Any action resulting in the loss of a trespassing gray wolf or grizzly bear might represent a cumulative impact to the local populations should other unavoidable man-caused mortality be high. Otherwise, cumulative effects from past, present, and reasonable foreseeable activities would be similar to those described for the Proposed Action.

REQUIRED STIPULATIONS

The following stipulations are imposed by FWP for the Desert Mountain Elk Ranch Game Farm and are designed to mitigate significant impacts identified in the EA to below the level of significance:

(1) *Report ingress of any wild game animals or egress of game farm elk to the Montana FWP immediately. The report must contain the probable reason why or how ingress/egress occurred.*

This stipulation is imposed to mitigate potentially significant risk to wildlife posed by the proposed game farm. Risk to wildlife from contact between game farm animals and wild game is potentially significant due to the site being located in an area currently utilized by wild game. Information provided by the stipulation would also help both the applicant and FWP to address ingress and egress incidents and to minimize contact between wild and domestic animals. This stipulation, in addition to existing FWP fencing and wildlife protection requirements, is expected to reduce the risk to wildlife to below significant.

(2) *Install an offset electrified fence on the outside of the game farm perimeter fence. Research in this area has demonstrated that a three wire array will be effective in protecting the game farm fence from damage from bears attempting to gain ingress into the enclosure (T. Manley, pers. com. 1998). Configuration of the three wire array would be as follows: the first hot wire at six inches above ground level, the second at 24 inches, the third wire at 48 inches (the game farm fence will provide the ground for the three hot wires) . Verify operation of the electrified wire charger daily.*

This stipulation is imposed to protect the game farm fence from damage by bears. It is primarily designed to protect elk from grizzly bears by preventing bears from digging under or climbing over the game farm fence, but it will also help ensure that captive elk do not escape from the game farm area. The electrified fence would reduce the chances of ingress by other predators, such as wolves, lions, and black bears. Verifying operation of the charger would alert the game farm operators to shorting of the electrified wire potentially due to fence damage. If fence integrity or ingress/egress becomes a problem, adjustment of fence requirements to include double fencing, additional electrification, or increased height may become necessary.

(3) *Remove trees within 20 feet of the proposed game farm fence on the inside of the enclosure.*

This stipulation is imposed to reduce the potential for excessive fence compression should a tree fall on it due to considerable tree cover at the game farm. The part of this stipulation in the Draft EA which specified a steel cable be attached to the top of the fence has been removed because FWP has determined that a cable may transmit tree fall damage along a longer section of the fence than would occur using the current fence design.

RECOMMENDED MITIGATION MEASURES

The following mitigation measures address additional impacts identified in the EA that are likely to result from the Proposed Action:

- Re-vegetate soils disturbed by fence construction activities or the elk.
- Maintain a reasonable stocking rate within the game farm enclosure to minimize changes in soil structure and potential increases in runoff and erosion from disturbed ground. A "reasonable stocking rate" is defined on the first page of *Part II - Environmental Review* of the Draft EA (p. 19); additional information regarding a reasonable stocking rate for the site is provided under *Part II -Section 4 (Vegetation)* of the Draft EA (pp. 27-28).

- Dust management activities include spraying water on unpaved roads during the dry season, vegetating exposed ground where possible, protecting soil piles from wind erosion, and limiting ground disturbance to the area necessary to complete the job.

- Employ the following best management practices (BMPs) to reduce odor problems if they occur: (1) quickly incorporate waste into soil by plowing or discing; (2) spread waste during cool weather or in the morning during warm, dry weather; and (3) dispose of animal carcasses off site in an approved facility. These and other BMPs are described in "Guide to Animal Waste Management and Water Quality Protection in Montana".

- Maintain a reasonable stocking rate in the game farm area to mitigate potential impacts from runoff and fecal matter. Potential water quality impacts could also be minimized by disposing of dead animals and excess fecal material at a site isolated from surface water and groundwater (disposal must meet county solid waste regulations).

- For any areas having erosion and sedimentation problems, utilize BMPs where runoff could enter the intermittent drainage. The BMPs may include earth berms, straw bale dikes, vegetative buffer zones, and/or silt fences.

- Monitor the proposed game farm site for invasion of noxious weeds and treat affected areas in a timely manner.

- Provide supplemental feed to the elk on a year-long basis to reduce the probability of overgrazing on the proposed game farm.

- Store hay, feed, and salt away from exterior fences or enclosed in bear-resistant containers or buildings.

- Feed game farm animals at interior portions of the enclosure and not along the perimeter fence. Due to the presence of both grizzly and black bears in this area, it is extremely important to limit the exposure of elk feed to bears.

- Inspect the exterior game farm fence on a regular basis and immediately after events likely to damage the fence to insure its integrity with respect to trees, burrowing animals, predators and other game animals.

- Remove snow on either side of the enclosure fence as required to prevent ingress and egress.

- Limit noisy construction activities to daylight hours and complete work as quickly as possible.

- Stock a minimal number of bulls to minimize bugling during the mating season.

- Stop work in the area of any observed archeological artifact. Report discovery of historical objects to the Montana Historical Society in Helena.

SUMMARY OF PUBLIC COMMENTS AND FWP RESPONSES

Public comments for the Desert Mountain Elk Ranch Game Farm Draft EA were accepted from November 2 through November 23, 1998. FWP received six public comment letters during that time. Substantive comments and questions are reproduced (paraphrased) below with FWP responses. Public comments are

considered substantive if they relate to inadequacies or inaccuracies in the analysis or methodologies used in the Draft EA, or identify new impacts or recommend reasonable new alternatives or mitigation measures; or involve disagreements or interpretations of impact significance. Comments which express personal preferences or opinions on the proposal rather than on the evaluation itself are included but are not specifically addressed.

Written Comment Letter No. 1

Issue 1a:
Wild animals belong to the public. There is a long Montana tradition of public ownership of wildlife with its fair harvest open to all and participated in by many.

Response to Issue 1a:
Comment noted.

Issue 1b:
Montana's native wildlife co-evolved with the terrain, vegetation, water and climate. Elk farm husbandry breeds out the wildness.

Response to Issue 1b:
Comment noted.

Issue 1c:
Elk farming is a business so destructive in the Montana context, that it should not be permitted.

Response to Issue 1c:
Comment noted.

Issue 1d:
The sheer scale of the game farming business, the poor husbandry, the illegal traffic in game animals, the poor enforcement of regulations and the powerful political lobbies supporting it, will make lawbreaking and disease spread inevitable.

Response to Issue 1d:
FWP and DoL periodically inspect game farms to ensure continued compliance with the license and regulations, including disease monitoring.

Written Comment Letter No. 2

Issue 2a:
Concern regarding diseases with domesticated wild animals.

Response to Issue 2a:
See pages 32, 37-38, and 45-46 in the Draft EA for information regarding potential disease transmission.

Issue 2b:
The State is not able to properly check all the game farms. The fees do not cover the costs of proper supervision.

Response to Issue 2b:
FWP attempts to check all game farms on a periodic basis; however, time available for such inspections is limited. While it is true that fees do not cover the cost of managing the game farm program, fees for game farms are established by the state legislature and cannot be changed without action by the legislature.

Issue 2c:
The process of cutting off elk antlers is cruel and causes the animal much pain.

Response to Issue 2c:
FWP has no regulatory authority to dictate how elk antlers are harvested in a game farm.

Issue 2d:
Public sentiment everywhere is against game farms.

Response to Issue 2d:
Comment noted.

Written Comment Letter No. 3

Issue 3a:
Game farms benefit only the greedy and destroy the very idea of true and ethical hunting.

Response to Issue 3a:
Hunting is not allowed by this permit.

Written Comment Letter No. 4

Issue 4a:
Concern about disease threat and genetic harm.

Response to Issue 4a:
Prior to importation into Montana, game farm animals must be examined by an accredited veterinarian and test negative for tuberculosis, brucellosis, and other diseases and must test negative for red deer hybridization. See pages 32, 37-38, and 45-46 in the Draft EA for information regarding potential disease transmission.

Issue 4b:
Concern about fencing off habitat.

Response to Issue 4b:
Fencing of the proposed 33.5 acre game farm would preclude a few white-tailed deer from using the area, but it would not cause significant deterioration of any critical wildlife habitat either directly by excluding big game, or indirectly by blocking a migration corridor.

Issue 4c:
Concern about corruption of the notion of fair chase.

Response to Issue 4c:
Permit does not include fee shooting.

Written Comment Letter No. 5

Issue 5a:
The real threat of chronic wasting disease (CWD) does not seem to be a concern.

Response to Issue 5a:
On November 11, 1998, the Governor's office and DoL issued an emergency rule that any game farm animal brought into Montana from another state must have resided for at least 12 months on the "game farm of origin" to allow closer monitoring and tracking of the animal and the potential for disease. The rule requires the animals to have undergone CWD surveillance and testing. In Montana, the rule calls for herd surveillance, testing, and scientific review and quarantines, when necessary. See pages 45-46 of the Draft EA for additional information regarding CWD.

Written Comment Letter No. 6

Issue 6a:
Concerns regarding safety and disease.

Response to Issue 6a:
There will be no public shooting of elk at the proposed game farm. See pages 37-38 of the Draft EA for additional information regarding potential human safety and disease transmission.

Issue 6b:
It is disturbing that the proposed game farm is adjacent to official USDA Forest Service winter range at Desert Mountain, Flathead National Forest. The site is located in a known wildlife corridor. What are the impacts and mitigations?

Response to Issue 6b:
See Figure 3 and pages 30-32 of the Draft EA for information regarding winter range, big game distribution, and potential impacts to wildlife. Pertinent stipulations and mitigations are described on pages 6-8 of this Final EA document.

Issue 6c:
Chronic wasting disease (CWD) and diseases like it are incredibly big issues. Does the EA address it?

Response to Issue 6c:
See Response to Issue 5a above.

Issue 6d:
Concern that the potential concentration of elk per acre at the proposed game farm will allow diseases to spread more readily.

Response to Issue 6d:
See pages 32, 37-38, and 45-46 in the Draft EA for information regarding potential disease transmission.

Issue 6e:
Concerns regarding impacts on water quality, vegetation, and potential to spread disease through streams.

Response to Issue 6e:
See pages 24-26 and 28-29 in the Draft EA for information regarding water quality and vegetation. No perennial streams are present at the proposed game farm.

CONCLUSION OF THE EA

The Draft EA, as modified herein, and this Final EA are approved as the Final EA for the Desert Mountain Elk Ranch Game Farm. The preferred alternative is the Proposed Action, modified with three stipulations requiring 1) immediate reporting of ingress events, 2) installation of an electrified strand and verifying the charger operation daily, and 3) removal of trees within 20 feet of the inside of the enclosure. Based upon this review, it is determined that the Proposed Action with the required stipulations would not have a significant impact on the environment and that an EIS will not be required.

ANALYSIS OF IMPACT ON PRIVATE PROPERTY

Montana game farm statues (87-4-476, MCA) require that game farm licenses may be denied or issued with stipulations to prevent unacceptable threat of escape of captive game farm animals and to prevent a significant threat to the safety of the general public and surrounding landowners and by the shooting of game farm animals. MEPA requires FWP to identify and analyze environmental impacts of the Proposed Action and potential mitigation measures. MEPA, as revised by Senate Bill 231 of 1995, also requires agencies to evaluate the impact on private property of regulatory actions, such as denial of a permit or establishment of permit conditions (75-1-201, MCA). The Environmental Quality Council (EQC) has established procedural guidelines to implement these requirements. The analysis provided in the Draft EA was prepared in accordance with implementation guidance issued by the EQC.

In addition, the Private Property Assessment Act (2-10-101, MCA, et seq.) requires agencies to determine whether proposed actions by the State of Montana have "taking or damaging implications", such as to constitute a deprivation of private property in violation of the United States or Montana constitutions and, if so, to perform an impact assessment to determine the likelihood that a state or federal court would hold that the action is a taking or damaging, to review alternatives, and to determine the estimated cost of compensation. In accordance with the Act, the attorney general has prepared guidelines, including a checklist, to assist agencies in identifying and evaluating actions with taking or damaging implications.

The Draft EA contains FWP's completed checklist with respect to the stipulations recommended in the preferred alternative and has found that the preferred alternative does not have taking or damaging implications and that an impact assessment is not required.

PERSONS RESPONSIBLE FOR PREPARING THE EA AND RESPONSE TO COMMENTS

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